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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,596

08/01/2003

Robert L. Popp

19,814

4322

23556 7590 08/23/2007  
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EXAMINER

STEPHENS, JACQUELINE F

ART UNIT

PAPER NUMBER

3761

MAIL DATE

DELIVERY MODE

08/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/632,596

Applicant(s)

ROBERT POPP

Examiner

Jacqueline F. Stephens

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/4/07 have been fully considered but they are not persuasive. Applicant argues Popp does not disclose the present invention because Popp provides a fastening component that lies parallel to the front plane of the garment as opposed to the present invention, which provides a fastening component that lies perpendicular to the plane in which the front panel lies. However, the plane of the front of the garment includes a horizontal and a vertical dimension. While the fastening component may be parallel to the vertical dimension, it is perpendicular to the horizontal dimension.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Popp et al. US Patent Application Publication 2002/0123730.

As to claims 1, 11, 12, 13, and 18, Popp discloses a packaged garment defining a waist opening 50 and a leg opening 52, the garment comprising, a front region 22 comprising a front panel 35 and defining a front waist edge 38, a back region 24 comprising a back

Art Unit: 3761

panel 135 and defining a back waist edge 39, and a crotch region 26 connecting the front and back regions; first and second front side panels 34 extending transversely from respective sides of the front panel, each front side panel having a body facing surface 42 and a clothing facing surface 40; first and second back side panels 134 extending transversely from respective sides of the back panel, each back side panel having a body facing surface 42 and a clothing facing surface 40; wherein the first front side panel is connected to the first back side panel to form a first prefastened, refastenable seam 80, the first refastenable seam comprising a first fastening component 82; the second front side panel is connected to the second back side panel to form a second prefastened, refastenable seam 80, the second refastenable seam comprising a second fastening component 82; wherein the first and second fastening components lie in first and second planes, the first and second planes being approximately perpendicular to a plane in which the front panel lies.

As to claims 2 and 16, Popp discloses the first and second refastenable seams 80 are formed between a body-facing surface 42 of the front side panel and a clothing-facing surface 40 (paragraph 0080) of the back side panel (paragraph 0091).

As to claims 3 and 15, Popp discloses the first and second front side panels are folded over a distal edge of the back side panel (Figure 6, paragraphs 0106-0109).

As to claim 4, Popp discloses the fastening component is permanently bonded to the

Art Unit: 3761

back side panel (0091).

As to claims 5 and 14, Popp discloses the first and second refastenable seams are formed between a clothing-facing surface of the front side panel and a body-facing surface of the back side panel (0091).

As to claims 6 and 17, Popp discloses the first and second back aback side panel is folded over a distal edge of the front side panel (Figure 6, paragraphs 0106-0109).

As to claim 7, Popp discloses the fastening component is permanently bonded to the front side panel (paragraph 0091).

As to claim 8, Popp discloses the fastening component is engaged with a mating fastening component, wherein the mating fastening component is integral with a side panel (paragraphs 0092, 0093).

As to claims 9 and 10, see Figures 1-3.

As to claims 12 and 13 see Figures 1-3, paragraph 0110.

As to claim 19-22, Popp discloses a package of prefastened, refastenable garments; see the discussion of claim 1, *supra*. Popp further incorporates by reference (paragraph

0013) Kuske WO 97/49618, which teaches a generally polyhedral enclosure composed of a flexible material surrounding a plurality of prefastened, refastenable garments including an end garment as claimed, the polyhedral enclosure comprising a pair of side walls, a pair of end walls, a top wall, and a bottom wall (Figures 3-12).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline F. Stephens whose telephone number is (571) 272-4937. The examiner can normally be reached on Monday-Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone

Art Unit: 3761

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jacqueline F Stephens  
Primary Examiner  
Art Unit 3761

August 19, 2007